

## ARTICLE 10-12

### CONCEALED WEAPONS

Chapter	
10-12-01	Concealed Weapons Permit

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**10-12-01-01. Incomplete application.** All applications for a concealed weapons permit must be made on a form approved by the chief agent of the bureau of criminal investigation. All applications received by the chief agent of the bureau of criminal investigation must be completed before they will be considered for approval and processing. To be considered complete, an application must:

1. Have all the information blanks on the front of the application answered, either with the information requested or with an N/A for nonapplicable where appropriate.
2. Have the test block section on the reverse side of the application filled in by the test administrator. The test administrator must indicate whether the written and proficiency tests have been passed and must include that administrator's signature.
3. Have the signed approval of the local county sheriff.
4. Have the signed approval of the local chief of police, if there is one.
5. Have one fingerprint card containing the classifiable fingerprints of the applicant attached.
6. Have two driver's license-style color photographs attached.

All incomplete applications received by the chief agent of the bureau of criminal investigation will be returned to the applicant for completion.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

**10-12-01-02. Permits for multiple types of weapons.** If an individual wishes a concealed weapons permit for several different weapons types, i.e., firearm and knife, stun gun and knife, etc., only one written test need be taken and passed. However, the applicant must pass a proficiency test for each weapon type for which a proficiency test is required. The test administrator may charge for each proficiency test, as long as the total charge does not exceed fifty dollars.

If the applicant wishes to obtain a concealed weapons permit for additional weapons types after receiving the initial permit, then a new application with the word "amended" printed on the top must be completed. The only blank on the application that would not need to be completed is the blank indicating that the written test has been passed. The test administrator may charge a fee for the proficiency test on these additional weapons types as long as that fee does not exceed fifty dollars.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

**10-12-01-03. Nonresident applicants.** Residents of the United States who are not residents of North Dakota may obtain a North Dakota concealed weapons permit. To obtain a permit, the individual must complete the same application process and meet the same criteria as a North Dakota resident.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

**10-12-01-04. Written test.** The written test must be an open-book test approved by the attorney general. The test must consist of ten questions.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

**10-12-01-05. Proficiency test.** The attorney general shall set forth the criteria for the proficiency tests.

For firearms, it must be as follows:

1. **Target.** Must be a humanoid, silhouette target of either the duellatron or the B-27 type.

2. **Range.** Seven yards (twenty-one feet [6.40 meters]) .
3. **Time.** Five minutes.
4. **Number of rounds.** Ten. No more than six rounds may be loaded at any time. The individual must safely reload during the firing sequence.
5. **Weapon.** Any safe weapon with any type of ammunition suitable for that weapon may be used.
6. **Starting position.** The weapon must be loaded and holstered after arrival to the line and under the direction and observation of the test administrator. Upon command, the weapon should be drawn and fired. If no holster is to be used, then any safe carrying method may be used.
7. **Scoring.** All hits on the silhouette count one point. Seven points are needed to pass.
8. **Position.** Any standing position may be used, i.e., one-handed or two-handed, "weaver" stance, "crouch," etc.
9. **Passing.** In order to pass, the individual must:
  - a. Score a minimum of seven points; and
  - b. Be able to load, unload, carry, and fire the weapon safely.

Only this course of fire may be used.

For other weapons, it must be designated by the attorney general on an individual weapon type basis. The emphasis on this testing must be testing the applicant for familiarity with the weapon and to demonstrate safety in the handling of that weapon type.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

**10-12-01-06. Lost or destroyed permits.** If a permitholder loses his or her permit or it is destroyed, a replacement may be obtained. In order to obtain a new permit, the applicant must send a letter to the chief agent of the bureau of criminal investigation indicating the applicant's name, address, and date of birth. In addition, the letter must state the reason the applicant needs a replacement permit. In addition, the applicant must also attach one driver's license-style photograph to the letter.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

**10-12-01-07. Revocation or suspension of a concealed weapons permit.** The chief agent of the bureau of criminal investigation may revoke or suspend a concealed weapons permit for the following reasons:

1. The permitholder has become one of the persons listed in North Dakota Century Code section 62.1-02-01; or
2. Upon the written recommendation of any law enforcement officer or upon information received from any other source that would indicate to the chief agent of the bureau of criminal investigation that there exists a valid reason to revoke or suspend such permit. Examples of those valid reasons are as follows:
  - a. A criminal violation occurred while the permitholder was in the possession of a concealed weapon.
  - b. A conviction of any weapons law or this chapter has occurred.
  - c. The applicant made a material false statement on the application form for the concealed weapons permit.
  - d. Any other good and valid reason that has a direct bearing on the individual's fitness to carry and possess a concealed weapon.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

**10-12-01-08. Denial of a concealed weapons permit.** The chief agent of the bureau of criminal investigation may deny a concealed weapons permit for any of the following reasons:

1. The applicant is prohibited by North Dakota Century Code section 62.1-02-01 from possessing any weapon.
2. The applicant has failed to state a valid reason to possess a concealed weapon.
3. The applicant has not filed a completed application as required in section 10-12-01-01.
4. The applicant made a material false statement on the application for a concealed weapons permit.

5. For any other good and valid reasons that has a direct bearing on the individual's fitness to carry and possess a concealed weapon.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

**10-12-01-09. Residence change.** All holders of a concealed weapons permit must notify the chief agent of the bureau of criminal investigation within thirty days of their moving to an address different than what is listed on their permit of that change of address. That notification must be in writing and must contain at a minimum the applicant's name, former address, permit number, and new address. The new address must include house number or apartment number, street name, city, zip code, and county.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

**10-12-01-10. Appeals.** All appeals of decisions of the chief agent of the bureau of criminal investigation must be made pursuant to and in accord with North Dakota Century Code chapter 28-32.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03

**10-12-01-11. Applicability of requirements.** All three-year permits are issued pursuant to and subject to this chapter and all North Dakota weapons law restrictions.

**History:** Effective September 1, 1986.

**General Authority:** NDCC 62.1-04-03

**Law Implemented:** NDCC 62.1-04-03